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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,015	12/06/2000	Yoshihito Ishibashi	450108-02585	3145
20999	7590	10/24/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				HOFFMAN, BRANDON S
ART UNIT		PAPER NUMBER		
2136				

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/719,015	ISHIBASHI ET AL.
	Examiner	Art Unit
	Brandon S. Hoffman	2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 August 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 8-13 are pending in this office action.
2. Applicant's arguments, filed August 9, 2005, have been fully considered but they are not persuasive.

### ***Rejections***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 102***

4. Claims 8-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzaki et al. (U.S. Patent No. 6,289,314).

Regarding claim 8, Matsuzaki et al. teaches an information processing system for processing media contents from a content provider, comprising:

- At least one information processing apparatus for processing accounting information (fig. 2, ref. num 3 and col. 16, lines 3-21, the accounting information is parameters like the coefficient of charge, which are then processed by the terminal in order to properly descramble the scrambled content);

- A control apparatus configured to enable the flow of said media contents from said content provider directly to said at least one information processing apparatus (fig. 2, ref. num 2 and col. 14, lines 35-38); and
- A master information processing apparatus in communication with said at least one information processing apparatus and said control apparatus (fig. 2, ref. num 2), said master information processing apparatus including:
  - A first transmitter to transmit appropriate proxy account settlement information to said at least one information processing apparatus (col. 14, lines 38-41, fig. 3, ref. num 254, and fig. 3, output "TO SECOND CHARGE MANAGING PORTION 223");
  - A first receiver to receive said accounting information from said at least one information processing apparatus sent in response to said proxy account settlement information (col. 15, lines 12-36, fig. 3, ref. num 251/252, fig. 5, and fig. 3, input "FROM SERVER I/F 24"),
    - Said accounting information related to payment for said media contents (col. 15, lines 24-30),
    - Said media contents received directly by said at least one information processing apparatus from said content provider (col. 14, lines 35-38),
    - Said first receiver generating payment information when said accounting information is processed (col. 16, lines 3-21);

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- o A second transmitter to transmit said payment information to said control apparatus (col. 16, lines 18-21); and
- o A second receiver to receive registration conditions from said control apparatus (fig. 2, ref. num 211/221/222/223, received from the "CONTRACT INFO" from the transmitting station),
  - Said registration conditions prepared in response to receiving said payment information from the master information processing apparatus that settles payment for media contents received directly by said at least one information processing apparatus (col. 16, lines 34-59).

Regarding claim 13, Matsuzaki et al. teaches a method for controlling the flow of media contents from a content provider to at least one information processing apparatus, comprising:

- Enabling the flow of said media contents from said content provider directly to said at least one information processing apparatus, which processes accounting information (fig. 2, ref. num 2 and col. 14, lines 35-38 and col. 16, lines 3-21, the accounting information is parameters like the coefficient of charge, which are then processed by the terminal in order to properly descramble the scrambled content); and

- Controlling communication between a master information processing apparatus and said at least one information processing apparatus (fig. 2, ref. num 24 and 25), including:
  - Transmitting appropriate proxy account settlement information from said master information processing apparatus to said at least one information processing apparatus (col. 14, lines 38-41, fig. 3, ref. num 254, and fig. 3, output "TO SECOND CHARGE MANAGING PORTION 223");
  - Receiving said accounting information at said master information processing apparatus from said at least one information processing apparatus sent in response to said proxy account settlement information (col. 15, lines 12-36, fig. 3, ref. num 251/252, fig. 5, and fig. 3, input "FROM SERVER I/F 24"),
  - Said accounting information related to payment for said media contents (col. 15, lines 24-30),
  - Said media contents received directly by said at least one information processing apparatus from said content provider (col. 14, lines 35-38);
- Generating payment information when said accounting information is processed at said master information processing apparatus (col. 16, lines 3-21);
- Transmitting said payment information to said content provider (col. 16, lines 18-21); and

- Receiving registration conditions from said content provider (fig. 2, ref. num 211/221/222/223, received from the "CONTRACT INFO" from the transmitting station),
  - Wherein the registration conditions are prepared in response to receiving said payment information from the master information processing apparatus that settle payment for media contents received directly by said at least one information processing apparatus (col. 16, lines 34-59).

Regarding claim 9, Matsuzaki et al. teaches wherein said control apparatus includes a service provider (col. 1, lines 13-15).

Regarding claim 10, Matsuzaki et al. teaches wherein said information processing system includes an electronic music distribution system (col. 1, lines 9-13).

#### ***Claim Rejections - 35 USC § 103***

5. Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. (U.S. Patent No. 6,289,314) as applied to claim 8 above

Regarding claims 11 and 12, Matsuzaki et al. teaches all the limitations of claim 8, above. However, Matsuzaki et al. does not teach wherein said first transmitter transmits said appropriate proxy account settlement information to said at least one information processing apparatus over a local-area network and wherein said second

transmitter in said master information processing apparatus transmits said accounting information to said control apparatus over a wide-area network.

Although Matsuzaki et al. does not teach the limitations of claims 11 and 12, it is well known in the art to use any number of ways to communication information from one device to the next. Some ways that are well known are over a local bus, as in the Matsuzaki et al. reference, over cable, wireless transmission, POTS, LAN, WAN, or any other hierarchy that allows multiple devices to communicate.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a LAN for communication of the proxy account settlement information to the information processing apparatus and a WAN for communication of the accounting information to the control apparatus. It would have been obvious to perform these actions because a LAN and WAN both allow communications to occur between devices which are physically separated, thus allowing the communications to be more functional and involve a broader range of devices.

#### ***Response to Arguments***

6. Applicant argues:
  - a. Matsuzaki does not teach directly providing media content from the content provider to the information processing apparatus (page 6, last paragraph through page 8, first paragraph).

b. The dependent claims are allowable based on their dependency on the independent claims (page 9).

Regarding argument (a), examiner disagrees with applicant. Column 16, lines 49-59 describes how the *command generating portion* 31 of the terminal (or information processing apparatus) sends an identifier and terminal information to the *terminal information setting portion* 251. The terminal information setting portion (which is in the server) is responsible for setting the coefficient of charge and encryption key for the terminal. This coefficient of charge and encryption key is comparable to the accounting information, which is created in the server, but from information supplied by the terminal. The information created in the server is then sent back to the terminal where it is extracted and utilized for decryption of data.

Figure 1 of Matsuzaki describes an embodiment where the transmitting station is one entity and the server & terminal together make up another entity, i.e., the receiving station. The *control apparatus* and *master information processing apparatus* are one in the same in the Matsuzaki reference. Column 13, lines 52-54 show that once the server (master information processing apparatus) has descrambled the media contents, the media contents is immediately outputted to the terminal and used in *real time*. The server simply receives the data from the content provider and forwards it directly to the terminals once all the terminal setting information has been setup prior, as described in the previous paragraph.

Regarding argument (b), examiner disagrees with applicant. Based on the response set forth for argument (a) above, the dependent claims stand as rejected.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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